

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

RICHARD S. CHUCULATE,)
)
Plaintiff,)
)
v.) Case No. CIV 03-536-JHP
)
JO ANNE B. BARNHART,)
Commissioner of Social)
Security,)
)
Defendant.)

ORDER

This matter is before the court pursuant to the Tenth Circuit Court of Appeals' decision in Chuculate v. Commissioner of Social Security, Case Number 05-7045, Tenth Circuit Court of Appeals, dated March 15, 2006. The Tenth Circuit, in their decision of March 15, 2006, determined that the judgment of the United States District Court for the Eastern District of Oklahoma should be reversed and remanded.

IT IS THEREFORE ORDERED that this court's order of March 10, 2005, Affirming and Adopting the Findings and Recommendation of the United States Magistrate Judge, be vacated and the cause remanded to the Commissioner for further proceedings consistent with the March 15, 2006, Order and Judgment of the Tenth Circuit Court of Appeals.

The court further orders that a copy of this Order be mailed to Plaintiff and counsel for Defendant.

IT IS SO ORDERED this 22nd day of May 2006.


James H. Payne
United States District Judge
Eastern District of Oklahoma